

IN THE HIGH COURT OF JUDICATURE AT PATNA

Cr.Misc. No.42855 of 2008

AMIT KUMAR son of Shri Ashok Kumar Singh, resident of village-Dharmadaha, P.S.-Dhamdaha, District-Purnea, at present Mohall-Sahjanand Nagar, P.S.-Begusarai Sadar, Dist.-Begusarai

Versus

STATE OF BIHAR

2. 27.11.2008. Heard learned counsel for the petitioner, the informant and the State.

The petitioner seeks bail of a case which has been registered under sections 498A, 494 and 406/34 of the Indian Penal Code and section 3 of the Dowry Prohibition Act.

It appears that the informant was married on 29.4.2007 with the petitioner. Some incompatibility problem arose and the petitioner filed a petition under section 13 of the Hindu Marriage Act for annulment of marriage on the ground of insanity of the informant on 19.5.2007.

The informant has alleged that she was being subjected to harassment by the petitioner and his family members. The petitioner married with another lady. Being compelled the informant filed a petition before the Officer-in-charge, which is the present first information report.

Reliance has been placed on annexures-2 series by the learned counsel for the petitioner. These are prescriptions of physician and Neuro-physician and on the strength of these prescriptions it has been argued that the informant is a patient of Schizophrenia and it is not possible to live with her.

Learned counsel for the informant while opposing the

prayer for bail submits that it is high handedness of the petitioner and the informant is being harassed since after marriage. The informant is ready and willing to live with her husband.

If the informant is willing to live with her husband, she is at liberty to move before the proper court under the Hindu Marriage Act or under other legal provisions. So far as bail of the petitioner is concerned no useful purpose will be served to the informant to keep the petitioner in jail.

Considering the facts and circumstances of the case the above named petitioner is directed to be released on bail on furnishing bail bond of Rs.10,000/- with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Samastipur in connection with Vibhutipur P.S.Case No.19 of 2008.

Md.S.

(Shyam kishore Sharma,J)

